

**Opening Comments to testimony to be given by Peter Kuck in opposition to *Raised Bill No. 5158* before the Public Safety Committee of the Connecticut State Legislature on February 18<sup>th</sup>, 2010.**

My name is Peter Kuck and I am here today as a citizen of the state of Connecticut. I am also a member of the Board of Firearms Permit examiners and in the name of full disclosure one of the individuals who has filed a Civil Rights suit against the Department of Public Safety in Federal Court. I last appeared before this committee on February 24<sup>th</sup> 2009. I would like to draw your attention to the fact that this proposed legislation is from the Department of Public safety (not the public) and that it was rejected by the legislature last year.

Before June 30<sup>th</sup> of this year the U.S. Supreme Court will rule on whether the individual rights guaranteed by the 2<sup>nd</sup> Amendment of the constitution are binding on the states in the same manor as the other nine rights enumerated in the bill of rights.

At some point in the near future there will also be a ruling from the U.S. Second Circuit Court of Appeals in two Civil Rights cases which were heard on September 17 2009 (Kuck V Danaher & Goldberg V Danaher). These cases involve due process rights regarding firearms and will also directly impact current laws, regulations, policies and practices of the State of Connecticut.

For the State of Connecticut to enact any firearms related legislation without first knowing the outcome of these cases would be at best irresponsible and a waste of taxpayer's time and resources.

There is no current need or crisis that compels the legislature to pass additional firearms laws since Connecticut currently has in place a workable set of firearms related laws and regulations that if understood and followed by public officials and members of the public, provide sufficient ways to protect the Public Safety and guarantee Connecticut citizens their rights under the Connecticut Constitution.

If anything, this legislature in this legislative session must be prepared to comply with and fund any court mandated changes that may become necessary to assure the due process and constitutional rights that may be addressed in any of the expected decisions.

The biggest problem with legislation presented you by the department of public safety is that it continues to concentrate power in the hands of the Department of Public Safety and in doing so strips power from local chiefs of police and the citizens of Connecticut.

**Specific comments in regards to the contents of raised Bill No. 5158**

1. I oppose the language of the proposed legislation that changes "the blood alcohol limit for the offense of carrying a firearm while intoxicated" to achieve parity with the level for the offense of operating a motor vehicle while intoxicated". The problem with this language is that there is no mechanism to provide a citizen with a means of defense in the event of an unsubstantiated allegation by the police. There needs to be a requirement for a blood alcohol test such as is required by the Department of Motor Vehicles. Without such a requirement I believe the law will be abused (as it has was by members of the CSP in the motor vehicle DUI arrest scandal highlighted in the AG's report in December 2006).

2. I oppose any language in this bill that would give the Commissioner of Public safety additional authority regarding the transfer or registration of firearms. DPS has failed to maintain the firearms data base they currently possess as evidenced by the email below. In cases where the data base is incorrect, it is the citizen who must prove his innocence. DPS has been known to use the process as the punishment against citizens in cases such as these.

From: Mancini, Seth [mailto:Seth.Mancini@po.state.ct.us]  
Sent: Tuesday, October 20, 2009 2:28 PM  
To: Ed Peruta  
Subject: RE: FOI REQUEST

Mr. Peruta:

I appreciate it. Here's what I have been advised by SLFU staff:

There were 3125 letters sent out originally on 10/7/09, then new letters were sent to the same people the next week with an explanatory cover letter. The total number of missing DPS-3s (currently) is 10927. Because the system only keeps a running total, I cannot account for those DPS-3s that have been turned in between 10/7 and today, and therefore now do not show up on the list of outstanding authorization numbers. The oldest authorization number for which we sent a reminder letter was from June, 2000.

DPS has known that not all DPS-3s have been returned, but SLFU recently completed entering a substantial back-log of DPS-3s, and the completion of that task prompted the letters to go out for those that remained unaccounted for after all the DPS-3s had been entered into the system. DPS has no record of receiving DPS-3s that were not properly accounted for. Authorization numbers and submission of DPS-3s are not required for private sales of long guns.

I trust this response answers your questions.

Seth

---

Sgt. Seth G. Mancini, Esq.

Commissioner's Staff

3. I continue to oppose (I have opposed this in the last 2 sessions) any requirement that gun show promoters notify the Commissioner of Public Safety of any planned gun show. DPS seems not to understand a Legislative "no". State statute currently gives this authority to Connecticut's local police departments. They do a good job. There is no need to duplicate or change the existing state statute in this matter other than to add to the DPS budget.

4. I continue to oppose the inclusion in this bill of any new law in regards to bail enforcement agents, professional bondsmen and surety bail bond agents as well as the "require[ment] that certain firearms and criminal justice course instructors be approved by the Commissioner of Public Safety; [or] to provide an exemption to the offenses of selling, carrying or brandishing a facsimile firearm for a participant in a state-certified qualified production" do not belong in this bill since they do not directly effect a citizens rights and should therefore be stripped from the bill.

5. I oppose granting DPS with additional time in this proposed legislation to fulfill their responsibilities under state statute. The proposed legislation adds the following language "(2) With respect to any application for an eligibility certificate filed with the Commissioner of Public Safety after July 1, 1995, the commissioner shall, [within ninety days] or not later than sixty days after notification from the Federal Bureau of Investigation, (A) approve the application and issue the eligibility certificate, [(B) issue a temporary eligibility certificate], or [(C)] (B) deny the application and notify the applicant of the reason for such denial in writing."

**This is an invitation for The Commissioner or DPS staff to drag their feet and delay submission of any requests to the FBI to prolong the process without recourse or accountability.**

**The Submission by the Commissioner of all requests to the FBI for National Criminal History Records Checks should be submitted by most expeditious means available within 5 business days following an application being received.**

**Local Issuing Authorities are required to submit requests to DPS/CSBI within 5 business days under provisions of Section 29-29. Why exempt DPS from the same standard?**

#### **Institutional bias as to the interpretation of the law**

The Connecticut State Police have a high number of attorneys who are also sworn officers. This continues to create a conflict of interest within the department that focuses the officer/lawyer within the department on defending the most "favorable interpretation" of the law that his fellow officers enforce. This is an inherent conflict of interest since law enforcement does not have the authority to interpret the laws that this legislature passes.

